



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,072	07/09/2004	Ralf Fink	254580US0PCT	3326
22850	7590	10/10/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER SELLMAN, CACHET I	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 10/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/501,072	Applicant(s) FINK ET AL.	
	Examiner Cachet I. Sellman	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/2004, 11/04/2004, 2/7/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: the word "of" inline 2 of the claim is redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13, states that the film is optionally dried then further states it is thermally treated which can mean the same thing therefore it is unclear as to what the applicant is trying to claim.
4. It should be noted that claim 12 will be examined as followed:

A method of coating a substrate which comprises coating a substrate with a coating material comprising a mixture comprising at least one radiation curable composition and at least one pressure sensitive adhesive.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1762

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4, 7-9, 11-12 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rigamonti et al. (EP 0966704).

Rigamonti et al. teaches a process for preparing shaped articles which comprise using a mixture of a methacrylic monomer and/or oligomer having at least two double bonds and monomers and/or oligomers of divinylethers and/or epoxides (abstract) as required by **claims 1-2 and 7**. The adhesive is cured using UV irradiation as required by **claim 4**. The methacrylic is 55-95% by weight of the composition as required by **claim 8**. The compound comprises urethane methacrylates (see col. 3) as required by **claim 9**. The radiation curable component can be 55-95% where the pressure sensitive component can comprise 5-25% of the composition which overlaps the claimed ranges of **claim 11**. The mixture is coated onto an object to form an antiscratch and abrasion resistant film (see col. 2, lines 43-48) as required by **claim 12**. The substrate being coated can be plastic or plastic film (see Examples) as required by **claims 17 and 18**.

7. Claims 1-2, 4, 7-9, 11-15 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Reich et al. (US 6500878).

Art Unit: 1762

Reich et al. teaches process for improving adhesion of acrylate resins which comprise forming mixtures which are applied as coating films to metal or plastic substrates and the coatings are radiation cured with UV light and is thermally conditioned at a temperature of about 50-120°C (abstract). The mixture comprises acrylate resins such as methacrylic acid; an amine hardenable epoxide compound (col. 3, lines 1-21) and a photoinitiator (col. 3, lines 45-47) as required by **claims 1,2,4, 7, 12, 13, 15, and 17-18**. The polymerizable compound can be an urethane (meth)acrylate as required by **claim 9**. The radiation curable composition can comprise 100% by weight of the polymerizable compound (see Examples) as required by **claim 8**. The pressure sensitive adhesive portion of the composition can be about 5% by weight (see examples) as required by **claim 11**. The film is cured using UV lamp which has a wavelength within the claimed range as required by **claim 14**.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arnold (US 6765037) teaches a free radical epoxy composition which comprise an epoxy resin and a copolymerizable material including a monomer having amide, acrylamide or hydroxyl functionality (abstract). The adhesive is cured using UV. Baumgart et al. (US 7169877) teaches applying a clearcoat composition over a substrate. The composition is thermally hardenable and has actinic radiation materials (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cachet I. Sellman whose telephone number

Art Unit: 1762

is 571-272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman
Examiner
Art Unit 1762

cis

/William Phillip Fletcher III/
Primary Examiner

Art Unit: 1762